

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DIANA LONGBOTTOM, et al.

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PLAINTIFFS

*

VS.

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*

RITE AID CORPORATION, et al.

*

Civil Action No.: 03-456

DEFENDANTS

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* * * * *

MOTION IN OPPOSITION TO REMOVAL AND TO REMAND TO STATE COURT

Now come the Plaintiffs, Diana Longbottom and B. Bruce Longbottom, her husband, by and through their attorney, Donald H. Feige, Esquire, pursuant to 28 U.S.C.A. § 1447(c), and move that this Honorable Court remand this action to state court, and in support thereof, state the following:

1. Defendants filed a Notice of Removal of this action to the federal district court on or about February 19, 2003, based on diversity of citizenship.
2. In order to remove an action to federal court the amount in controversy must exceed the sum of seventy-five thousand dollars (\$75,000.00), per 28 U.S.C.A § 1332(a).
3. Plaintiffs have amended their complaint, reducing their claim for damages to seventy-four thousand dollars (\$74,000.00) for all counts.
4. The Plaintiffs are filing at the same time with the filing of this motion an amended complaint in the Circuit Court for Baltimore County, reducing the amount claimed in all counts to less than seventy-five thousand dollars (\$75,000.00). A copy is attached.

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Baltimore, Md 21234
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5. As a result of the reduction in the amount sought for damages, this action should be remanded to the Circuit Court for Baltimore County.

WHEREFORE, Plaintiffs hereby request;

A. That this Honorable Court grant Plaintiffs's Motion to Remand Order that this action be remanded to the Circuit Court for Baltimore County.

B. That the Plaintiffs be awarded such other and further relief as the nature of their cause may require.

DONALD H. FEIGE, ESQUIRE
Federal ID # 00421
9407 Harford Road
Baltimore, Maryland 21234
(410) 882-1030
Attorney for Plaintiffs

CITATION OF AUTHORITIES

28 U.S.C.A. § 1447(c)

28 U.S.C.A. § 1332(a)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of March, 2003, a copy of Plaintiffs Motion to Remand, Request for a Hearing and Order was mailed first-class, postage prepaid to James A. Rothschild, Anderson, Coe & King, LLP, 201 North Charles Street, Suite 2000, Baltimore, Maryland 21201, Attorneys for Defendant, Rite Aid Corporation.

DONALD H. FEIGE, ESQUIRE

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ORDER

UPON CONSIDERATION of Plaintiffs' Motion to Remand, and any opposition thereto, it is, on this _____ day of _____, 2003, by the United States District Court for the District of Maryland, hereby

ORDERED that Plaintiffs' Motion to Remand is GRANTED.

JUDGE

Donald H. Feige
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